

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LUIS PEREZ, )  
 )  
 Plaintiff, ) Civil Action No. 06-139J  
 )  
 v. ) Judge Gibson  
 ) Magistrate Judge Caiazza  
C.O. SWEET, et al., )  
 )  
 Defendants. )

**MEMORANDUM ORDER**

Luis Perez's civil rights complaint was removed from the Court of Common Pleas of Cambria County, Pennsylvania on June 22, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 21, 2008, recommended that the Defendants' Motion for Summary Judgment (Doc. 18) be denied. The parties were allowed ten days from the date of service to file objections. The Defendants filed objections on February 26, 2008.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 20<sup>th</sup> day of March, 2008,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Defendants (Doc. 18) is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza,

(Doc. 23), dated February 21, 2008, is adopted as the opinion of the court.



Kim R. Gibson  
U.S. District Court Judge